



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
phone: 603-271-2959 fax: 603-271-7894
e-mail: jcolburn@des.state.nh.us



MINUTES
February 24, 2006 Meeting
DES Conference Rooms 112 & 113
12:15 p.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Joanna Pellerin, Vice Chair
Wendell Berry
Ken Gallagher
Mark Gallagher
Mark Hemmerlein
Mitchell E. Kalter
Marsha LaVallee Huntoon
Johanna Lyons
James S. Morash
Larry Sunderland
Rich Tichko

Representing:

Scientific Community, UNH
State Conservation Committee
NH Business and Industry Assn
Office of Energy and Planning
Commissioner, DOS
Commissioner, DOT
NH Fish & Game Commission
Conservation Commissions
Commissioner, DRED
Tourism, NH Travel Council
Conservation Community
Exec. Dir., Fish & Game Dept.

Term:

August 22, 2007
August 1, 2006
July 8, 2007
Indefinite
Indefinite
Indefinite
August 22, 2006
August 22, 2007
Indefinite
August 1, 2007
September 19, 2007
Indefinite

Members not present:

Joe Farrelly	NH Lakes Association
Vacant	NH Marine Trades Association
Ken Jordan	NH Association of Realtors
Fred Murphy	Member, Planning Board
Vacant	Commissioner, Agr. Markets and Food

August 1, 2006
August 22, 2005
June 27, 2008
August 1, 2008
Indefinite

Staff Present

Jody Connor	Limnology Center Director, Watershed Management Bureau
Jacque Colburn	Lakes Coordinator, Watershed Management Bureau
Laura Weit	Asst. Planner, Watershed Management Bureau
Marie Loskamp	Executive Secretary, Watershed Management Bureau

The Meeting Was Called to Order

Jim Haney, Chairman, called the meeting to order at 12:15 p.m.

I. Introductions/Minutes/Committee Business

1) Meeting Minutes: January 27, 2006

Jody Pellerin made a motion to accept the January 27, 2006 draft minutes as presented. Mark Gallagher seconded the motion and it was unanimously voted.

2) Committee Business: Stream Task Force

The Commissioner has approved the formation of a Task Force. DES staff are currently formulating meeting outlines. The first meeting is expected to be held in mid to late April, the second in late June, and the third in late August. A final report will be submitted on September 15, 2006 to the SB 330 Committee (Impact of water withdraws on instream flow study committee).

3) Next Meeting – Meeting on March 24, 2006

4) Future Agenda Items:

- Discussion of the Lakes Forum, specifically what are the Committee's next steps
- Revisit the Lakes Management Criteria for New Hampshire State Agencies
- SPNHF's presentation on New Hampshire's Changing Landscape (postponed until further notice)
- Discussion of the NHLA's white paper on the Shoreland Protection Act: Problems and Solutions
- Review the Committee's list of 2006 Priorities that was last discussed at the January 27, 2006 meeting.

5) NHLA white paper – Shoreland Protection Act: Problems and Solutions

This is the white paper that the Committee requested from Jared Teutsch, Environmental Policy Director with the NH Lakes Association (NHLA). Jacquie passed out copies of the document to those in attendance.

Jody Pellerin left the meeting at this time. Any references in the meeting minutes from this point forward do not refer to Jody Pellerin.

II. Surplus Land Reviews**1) SLR 06-001: Lake Winnisquam, Belmont**

Three surplus land reviews were received, since the Committee last met on January 27, 2006. Only one of these proposed surplus land disposals falls within the Committee's jurisdiction – SLR 06-001: located on Lake Winnisquam in Belmont, NH. In-house GIS information was obtained for: soils, slope, land use, national wetlands inventory, and natural heritage inventory.

DOT proposes to lease 1,305 linear feet of lakefront on Lake Winnisquam to the Sun Lake Village, LLC to allow permitting of a docking structure and construction of a pedestrian crossing as provided in RSA 228:57-a. There is an active railroad line on the property that is operated by the Plymouth & Lincoln Railroad. According to the application materials supplied by CORD there are no structures on the property and the site has not been cleared by Historical Resources.

Using the computer, Laura reviewed each question on the *LMAC Review of State Property Disposal – LMPP Staff Review Checklist* (checklist) with the Committee. Jacquie pointed out that the checklist does contain additional comments pertaining to the proposed subdivision, but the subdivision is not within the jurisdiction of the LMAC, since it is not a proposed surplus land disposal. Please refer to the checklist for additional information.

Jacquie and Jody viewed the site from the water in August of 2005. There is limited development on adjacent sites; specifically an existing trailer park exists southeast of the property, and several residential structures and docks are located south of the property near the Mosquito Bridge. According to the VLAP 2004 Interim Report the most recent water quality data was collected during the summer of 2003. The water quality deep site is located approximately 8,000 ft southwest of the proposed surplus land disposal. Laura provided the Committee with the web link to the data.

➤ ***Chairman Haney suggested that the water quality data be included in the checklist.***

Mr. Hemmerlein indicated that he is familiar with the site. DOT is reconstructing the Daniel Webster highway, also known as Route 3, which runs parallel to the site. DOT is designing a closed drainage system that would contain off-site flow, at the intersection of Old State Road and Route 3. A carrying pipe is designed to outlet this drainage to a proposed water quality basin, located on a State-owned parcel of land, south of Hueber Drive. It should also be noted that water drains down the Daniel Webster Highway to empty into Lake Winnisquam at the Mosquito Bridge. DOT is in the process of negotiating Right-of-Way access agreements. Mr. Hemmerlein also noted that there is a campground near the site.

Mr. Tichko added that Fish and Game's Wildlife Division is opposed to this proposed surplus land disposal. Bald eagles typically winter at the mouth of the Winnepesaukee River and occasionally roost in the large pine trees at the Mosquito Bridge.

Mr. Gallagher noted that if the proposed subdivision has 13 lots the maximum build out analysis for the parcel would be 50 feet of shorefront per dock, with 2 slips per dock. This configuration would equal 40 slips on 20 docks. Mr. Gallagher also added that anchoring should be added to the checklist as a recreational use, since many people enjoy finding a place that is undeveloped and anchoring.

Ms. Lyons suggested that the Committee place certain restrictions on the lease, since DRED does this all the time.

- ***Jacquie requested that Ms. Lyons provide the Committee with a bulleted list of specific items that DRED has required on a lease.***

Mr. Tichko suggested that the Wetlands Bureau may have a better idea of what can and cannot be included on a lease.

- ***Jacquie agreed that she would look into what DES has requested as terms and conditions of permits issued in the past.***

Chairman Haney commented that the cost of being a responsible land owner should be built into the amount of the lease.

NOTE: Laura had to leave the LMAC meeting to attend another meeting. Jacquie and the Committee completed reviewing the checklist.

- ***Mr. Gallagher suggested that the Committee should try to pursue an approach that would address all of the concerns of each of the multiple agencies in the conditions of the lease.***

Mr. Gallagher also noted that it's the State of New Hampshire's interest that need to be considered, and in order for that to happen we all have to be on the same page, we all have to be pulling in the same direction. Obviously there are different interests from one agency to the other. It is easy for us to say "you guys should be good stewards and go and check the land every other month or so", but there is a cost associated with that. We need to figure out how the state can look out for its interests, given that each agency may have different interests that have the potential to conflict with one another.

Chairman Haney asked if DOT has the right to refuse the request for the lease. Mr. Morash added that it was his recollection that at one of our prior LMAC meetings that a DOT representative said that they could say no.

Mr. Hemmerlein pointed out that ultimately this is a CORD decision. Their decision is passed to the G&C, who has the final say. He also pointed out that state agencies can intervene during the process, which gives state agencies that do not own the parcel the opportunity to become the steward of the land.

Mr. Tichko suggested that DES should be the steward of this parcel.

Ms. Lyons noted that there was no consultation took placed between DOT and other agencies before it was sent to CORD.

Mr. Morash added that since the effects of the development are unclear, then the Committee's response to CORD should be that we cannot determine what effect the development would have. He believes that the development, no matter what is done for drainage, may have an impact on the

retaining wall. He also noted that the development would impact Fish and Game, and they have already spoken against it.

Mr. Hemmerlein also noted that no terrain alteration is allowed, since the railroad is still active.

Ms. Lyons pointed out that the Committee should look at the whole railroad corridor rather than just the portion of the corridor that is under consideration for disposal to determine if DES wants to manage the corridor for the public benefit.

Mr. Tichko noted that Fish and Game tries to acquire properties that create wildlife corridors in order to maintain biodiversity and provide habitat.

Chairman Haney noted that one of the reasons an inventory should be completed for all state-owned land is to determine which state agency may be the best steward for each parcel, rather than having to go through the CORD process every time DOT wants to dispose of a surplus land. He also suggested that DES develop a policy that states that "no shoreland will be disposed of", since this area is critical to maintaining water quality.

- ***Jacquie suggested that the checklist would be revised to include the Committee's comments. The revisions will be presented to the Committee at its next meeting.***

Mr. Berry asked if the rail right-of-way is owned by the state.

Mr. Hemmerlein clarified that the state's rail line is a toll free right-of-way. The whole operation is a lease. DOT owns the property, but the railroad operates, runs, and maintains the railway facilities, (i.e. rail bed and rails).

- ***Mr. Berry suggested that item 5(b) on the checklist should be revised to include the potential for future public access.***

Jody added that DES owns a right-of-way in the Belmont area. The underground utility pipeline runs along side the railroad tracks.

- ***It was agreed that Jacquie and Laura will develop, in the next week or two, some potential position papers based on what has been discussed. These concerns will then be discussed further at the next scheduled meeting. At that time, the Committee will also vote to approve, disapprove, or conditionally approve the disposal of this proposed surplus land.***

2) LMAC/RMAC and DOT process

Jacquie noted that the original memo that the Committee reviewed in December has evolved into a Memorandum of Understanding (MOU). The Bureau of Rails and Transit and the Bureau of Right-of-Way have some concerns. Specifically, should DOT only forward the application packets of parcels that are within the jurisdiction of the LMAC? The LMAC agreed at its last meeting that application packets for all proposed surplus land disposals should be sent to Jacquie and that she would make the determination. DOT, on the other hand, would like to make that determination and only send application packets that are within the jurisdiction of the LMAC. Jacquie and Mr. Hemmerlein agreed to discuss this further after the meeting. Jacquie noted that DOT is already sending application packets to the attention of the LMAC and RMAC.

- ***Mr. Morash motioned to adjourn. Larry Sunderland seconded the motion and it was unanimously voted.***

The meeting adjourned at approximately 1:15 p.m.